

REMARKS

The application has been reviewed in light of the outstanding Office Action dated June 18, 2003. Claims 31-45 are currently pending, with claims 31 and 32 being independent. Each of the points raised in the outstanding Action are addressed below.

Restriction Requirement

Applicant elects to prosecute the invention recited in claims 29-45, without traverse. In that regard, Applicant has canceled, without prejudice and/or disclaimer of subject matter, the claims directed to the non-elected inventions.

Allowable Claims

Applicant wishes to thank the Examiner for the indication that claim 32 is allowable. Accordingly, this claim remains unchanged in the present response.

Prior Art Rejections

All claims, save for claim 32, have been rejection under 35 U.S.C. § 102 in view of various prior art. Applicant has canceled claims 29 and 30, and amended the remainder of the claims to depend on either of claims 31 and 32.

As to claim 31, Applicant respectfully submits that this claim is patentable over the prior art. Specifically, the Action relies on U.S. patent no. 3,660,050 (Iler et al.) to allegedly disclose a ceramic body having a traverse rupture strength of at least about 300,000 psi and a Rockwell-A hardness of between about 94 and about 96 at 20 degrees Centigrade. Applicant's review of the Iler et al. reference however has failed to discover any disclosure in this reference

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of a ceramic body having a transverse rupture strength of at least about 300,000 and having a Rockwell-A hardness of between about 94 and about 96 at 20 degrees C. The Action alleges that a disclosure of a Rockwell-A hardness of "over 91" (column 28, lines 23-27) reads on the limitation of a Rockwell A-scale hardness of that recited in claim 31, that is, an A-scale hardness between about 94 and about 96 at 20 degrees C. Applicant respectfully disagrees.

First, the Examiner has allowed claim 32 since, as the Examiner stated, "none of the prior art teach or suggest the ceramic body having the claimed properties". Applicant agrees. However, claim 31 is substantially the same as claim 32, save for a slightly broader range (the lower end being about 94 instead of about 95), which none of the prior art disclose, teach or suggest as well. Moreover, Applicant is confused with the statement in the Action as reasoning for the Iler et al. reference anticipating the claimed range recited in claim 31 simply because the disclosed range (91 or greater) reads on the claimed range. Applicant respectfully submits that even though a range of between 94 and 96 is within "91 or greater", the later does not anticipate the former since it does not disclose the claimed range with sufficient specificity since there is not upper limit to the disclosed "range". See M.P.E.P. 2131.03.

A review of the other prior art of record also fails to disclose, teach or suggest the claimed range with sufficient specificity. Thus, Applicant submits that claim 31 is patentable over the prior art.

Since the remainder of the claims are dependent upon both claims 31 and 32, they are patentable for the above reason (as to claim 31), and the reason indicated by the Examiner (as for claim 32) on page 9 of the Action.

CONCLUSION

In view of the foregoing remarks, Applicant submits that the issues raised in the outstanding Action have all been addressed. Accordingly, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

No fee is currently due for the present response, save for the fee for extending the time to respond to the Action. However, in the event that it is determined that additional fees are

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due, the Commissioner is hereby authorized to charge the undersigned's Deposit Account No. 50-0311.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 935-3000. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

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